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Representing the United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARK SMITH,

Defendant.

Case No. 2:15-cr-269-RFB-BNW

NINTH STIPULATION TO
CONTINUE SENTENCING

It is hereby stipulated and agreed between the United States of America, by and through Nicholas A. Trutanich, United States Attorney, and Daniel J. Cowhig, Assistant United States Attorney, and Sunethra Muralidhara, Esq., Wright, Marsh & Levy, counsel for defendant Mark Smith, that the sentencing hearing set for Thursday, November 14, 2019 at 11:00 a.m. in Courtroom 7C before the Honorable Richard F. Boulware, II be vacated and continued to a date and time convenient to the Court but no earlier than 30 days hence.

This stipulation is entered into for the following reasons:

1. This is a joint request by counsel for the United States and for the defendant;

1 2. The additional time requested by this stipulation is reasonable pursuant to
2 Federal Rule of Criminal Procedure 32(b)(2) which allows that “the Court may, for good cause,
3 change any limits prescribed in this rule;”

4 3. Both counsel request this additional time to allow adequate time to research
5 sentencing issues and prepare for the sentencing hearing;

6 4. Defendant Smith is at liberty on bond and consents to the continuance;

7 5. The United States Probation Office supervising defendant Smith has not reported
8 any significant violation of the bond conditions;

9 6. This is the ninth such request for continuance;

10 7. The parties agree that this shall be the final request for continuance of sentencing
11 in this matter.

12 For these reasons, the ends of justice would best be served by a continuance of the
13 sentencing hearing to a date and time convenient to the Court but no earlier than 30 days
14 hence.

15 A proposed order is attached.

16 Respectfully Submitted: November 13, 2019

17 Counsel for the Defendant
18 MARK SMITH

NICHOLAS A. TRUTANICH,
United States Attorney

19 _____/s//_____
20 SUNETHRA MURALIDHARA, Esq.
 Wright, Marsh & Levy

_____/s//_____
DANIEL J. COWHIG
Assistant United States Attorney

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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 MARK SMITH,

12 Defendant.

Case No. 2:15-cr-269-RFB-BNW

PROPOSED
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

13
14 Findings of Fact

15 Based on the pending stipulation of counsel, and good cause appearing therefore, the
16 Court finds that:

- 17 1. This is a joint request by counsel for the United States and for the defendant;
18 2. The additional time requested by this stipulation is reasonable pursuant to
19 Federal Rule of Criminal Procedure 32(b)(2) which allows that “the Court may, for good cause,
20 change any limits prescribed in this rule;”
21 3. Both counsel request this additional time to allow adequate time to research
22 sentencing issues and prepare for the sentencing hearing;
23 4. Defendant Smith is at liberty on bond and consents to the continuance;
24

1 5. The United States Probation Office supervising defendant Smith has not reported
2 any significant violation of the bond conditions;

3 6. This is the ninth such request for continuance;

4 7. The parties agree that this shall be the final request for continuance of sentencing
5 in this matter.

6 Conclusions of Law

7 The ends of justice would be served by granting a continuance of the sentencing hearing.
8 Were the continuance not granted, it would likely result in a miscarriage of justice, deny the
9 parties sufficient time to effectively and thoroughly prepare for sentencing, taking into account
10 the exercise of due diligence.

11 ORDER

12 IT IS HEREBY ORDERED, based upon the stipulation of the parties and the record in this
13 case and for good cause shown, that the sentencing hearing currently scheduled for Thursday,
14 November 14, 2019 at 11:00 a.m. is continued to December 19, 2019 at
15 2:30 p.m. in Courtroom 7C.

16 IT IS SO ORDERED this November 13, 2019:

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19 _____
20 THE HONORABLE RICHARD F. BOULWARE, II
21 JUDGE, UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I, Daniel J. Cowhig, certify that the following individual was served with a copy of the
NINTH STIPULATION TO CONTINUE SENTENCING on this date by the Electronic Case

File system:

Sunethra Muralidhara
Wright, Marsh & Levy
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Las Vegas, NV 89101
Phone: (702) 382-4004
Fax: (702) 382-4800
Email: smuralidhara@wmllawlv.com
Counsel for Mark Smith

DATED: November 13, 2019

//s//
DANIEL J. COWHIG
Assistant United States Attorney